HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION No.3244 of 2006

Between:

U.Masthana Rao & another. …Petitioners.

AND

District Collector, Nellore District,

Nellore & others. …Respondents.

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:: O R D E R ::

Counsel for the Petitioners : None

Counsel for Respondents 1 & 2 : Government Pleader for Revenue

Counsel for Respondent No.3 : Sri S.V.Bhatt

Counsel for Respondent No.4 : Sri M.Subba Reddy

17th MARCH 2006

Per G.S.Singhvi, C.J.

In this petition, the petitioners have prayed for issuance of a mandamus directing respondents 1 to 3 to take action against Goushsia Wood Works Mill established by fourth respondent without prior permission and registration as per Section 21 of the

Air (Prevention and Control of Pollution) Act, 1981 and against Rules 3 and 4 of the Noise Pollution (Regulation and Control) Rules, 2000 (for short 'the Rules'). The petitioners have also prayed for issue of a direction to respondents 1 to 3 to dispose of representations dated 2-6-2004, 27-6-2005, 19-9-2005 and 17-9-2005 made by them for checking the pollution caused by the mill of respondent No.4.

Although, learned counsel for the petitioners has not turned up, we do not consider it necessary to dismiss the petition in default because the issue raised by the petitioners not only concerns them but also the people living in the vicinities of the hospital being run by petitioner No.1.

Sri S.V. Bhatt, learned Standing Counsel for Andhra Pradesh Pollution Control Board says that District Collector is the competent authority to take action for control of noise pollution and, therefore, the Court may dispose of the writ petition by directing him to pass appropriate orders after hearing the petitioner, respondent No.4 and representative of the Board.

In our opinion, the suggestion made by Sri Bhatt is reasonable and merits acceptance.

Hence, without going into the merits of the petitioner's prayer, we deem it proper to dispose of the writ petition by directing that within one month of the receipt of certified copy of this order together with a copy of the writ petition, District Collector, Nellore shall, after hearing the petitioners, representative of Andhra Pradesh Pollution Control Board and respondent No.4, pass appropriate orders under the Noise Pollution (Regulation and Control) Rules, 2000 and communicate the same to the parties. Ordered accordingly.

The petitioners or respondent No.4, who may feel aggrieved against the order of the District Collector shall be free to avail appropriate legal remedy.

G.S. SINGHVI, C.J.

17th March, 2006.

G.BHAVANI PRASAD, J.

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